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PATENT
Docket No.: 16869S-019500US
Client Ref. No.: E5678-01 EN

TOWNSEND and TOWNSEND and CREW LLP

By: Margaret K. Stepha

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yukio Isobe et al.

Application No.: 09/757,802

Filed: July 30, 2001

For: Apparatus and Method for Recording
and Reproducing Information

Confirmation No.: 7357

Examiner: Vincent F. Boccio

Art Unit: 2621

**Request to Withdraw Application
from Allowance Pending
Decision on Petition(s)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request to withdraw the above patent application from allowance pending a decision from the Petitions Office on a Petition for Original Filing Date in this application.

This patent application was filed on January 9, 2001. The Patent Office, however, deemed the application incomplete due to a stated absence of drawings and failure to pay certain fees. In response counsel filed a Petition for Original Filing Date on July 24, 2001. No decision was issued on the petition, and the application remained unexamined for over four years, so counsel filed a Renewed Petition for Original Filing Date on November 14, 2005. An Office Action was then issued on February 6, 2006, and prosecution continued until a Notice of Allowance was issued on July 26, 2007, for which counsel thanks the Examiner. However, both the Petition for Original Filing Date and the Renewed Petition were never acted upon by the Petitions Office. Therefore, counsel believes that the filing date of the application remains in question.

On August 20, 2007, after the Notice of Allowance was received, counsel called the Petitions Office to determine the status of the petition(s) and was told someone would "call back in a few days." No call back was received.

On August 31, 2007, counsel's office again called the Petitions Office and was told that the petition(s) were now assigned to Patricia Faison-Ball, Senior Petitions Attorney, for decision. A message was left for Ms. Faison-Ball requesting a return call with the status of the petition(s). No call back was received.

On September 5, 2007, counsel again called the Petitions Office and left another request for the Petitions Attorney to return the call with a status on the petition(s). No call back was received.

On September 20, 2007, counsel's office again called the Petitions Office and left a request for a return call with a status on the petition(s). To date, counsel has received no call back and no decision on the petition(s). (Counsel has checked the PAIR system and finds that no Decision on Petition has been issued by the Patent Office as of this date.)

Accordingly, counsel for Assignee requests that this application be withdrawn from issuance pending a decision on petition(s).

If the Examiner believes a telephone conference would be appropriate for this situation, please telephone the undersigned at 650-324-6303 (direct).

Respectfully submitted,



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